

## 53. HEATING, VENTILATING, AND AIR CONDITIONING.

53.01. Heating, Ventilating, and Air Conditioning Licenses and Permit. Subdivision 1. Definitions. As used in this Chapter and Chapter 54 the following terms shall have the following meanings ascribed to them unless the context clearly indicates otherwise:

(a) "Board" means heating, ventilating, and air conditioning board of review as hereinafter constituted.

(b) "Code" means heating, ventilating, and air conditioning code adopted as part of the building code by section 50.01.

(c) "Contractor" means any person, firm, or corporation who undertakes or offers to undertake for another for a price, fee or other compensation, to do any of the following: To plan, lay out, or install heating, ventilating or air conditioning plants, equipment, or systems; to make alterations, additions, replacements, or repairs to existing plants, equipment or systems; or to service or maintain existing heating, ventilating, or air conditioning plants, equipment, or systems.

(d) "Heating, ventilating, and air conditioning" includes, but is not limited to, systems consisting of any of the following components or performing any of the following functions: chimneys, gas vents, connectors, smoke pipes, warm air heating, steam and liquid systems, hot water heating, chilled water cooling and liquid piping systems, ventilation systems, refrigeration systems, gas burners and gas piping, oil burners and piping, stoker and coal-fired installations, electric space heating, fireplaces, stoves, and incinerators, fire-control regulations, as part of the Code.

(e) "Heating, ventilating, and air conditioning code" means the code.

(f) "Inspector" means the heating, ventilating, and air conditioning inspector of the City and authorized agents and assistants.

(g) "Master installer" means any person who performed or offers to perform the service of preparing plans, laying out and supervising the installation, repair and maintenance of heating, ventilating, or air conditioning plants, equipment, or systems covered by this code.

Subd. 2. Licenses Required. No person shall engage in the trade or business of a master installer and no person, firm, or corporation shall engage in the business of a contractor in the city unless first licensed to do so by the city. Master installer license may authorize servicing if the applicant is qualified, without additional fee. Licenses shall be granted by the council and issued by the mayor to all qualified persons, firms, and corporations who make proper application therefor and pay the required fee.

Subd. 3. License Classifications. The following classifications are established for the issuance of licenses under the provisions of this code:

(1) Contractor's License

(2) Master Installer's License

Subd. 4. Work Classifications. Each license issued hereunder shall specify thereon the classification or classifications of work in which the licensee is qualified and authorized to engage. For the purpose of licensing contractors, and master installers, the following classifications of work are established.

(1) Warm air heating systems.

- (2) Hot water and low pressure steam heating systems.
- (3) Electric heating systems.
- (4) Ventilation systems.
- (5) Refrigeration and Air cooling systems.
- (6) Gas piping.
- (7) Factory built fireplaces, stoves and chimneys.

The scope of the work authorized to be performed and included in each work classification shall be determined by reference to the related definitions and provisions contained in this code.

#### 53.02. Applications.

Each applicant for a contractor's or master installer's license must file with the city clerk an application in writing on forms furnished by the city clerk setting forth the following information and such additional information as the inspector may require:

(1) Full name and permanent address of the applicant. If the permanent address of the applicant is other than Rochester, Minnesota, the local address, if any, of the applicant shall be stated.

(2) If the applicant is self-employed, the business address. If the applicant is employed by another, the name and address of the employer.

(3) If the application is for a master installer's license, the number of the applicant's certificate of competency. If the application is for a contractor's license, the name and address of the master installer or installers in charge of the work and the number of the certificate of competency.

(4) If the application is for a contractor's license, the local business address at which business may be transacted.

(5) In the event an applicant's, contractor's, master installer's, or similar license has ever been suspended by any municipal or state authority, a full explanation of the same.

53.03. License Fee. Subdivision 1. Every application for a license filed with the city clerk must be accompanied by the following annual license fee:

Contractor      \$75.00

Master Installer      \$36.00

Subd. 2. Late Fees. Every contractor and master installer previously licensed by the city who fails to file an application for a license renewal prior to the first day of January following expiration of the license, shall pay a late license fee as follows:

Contractor      \$90.00

Master Installer      \$48.00

Subd. 3. No Pro-Rating. No reduction in the applicable license fee shall be allowed because the remaining period of time before expiration is less than one year.

Subd. 4. Refunds. In the event an application for a license is denied, the license fee shall be refunded.

53.04. License Bonds. Every application for a contractor's license must also be accompanied by proof that the applicant has satisfied the state law bond requirement. The state bond must be effective during the time the city license is in effect.

53.05 Examination of Applications. Subdivision 1. When an application for a contractor's or master installer's license has been filed, the city clerk shall forthwith transmit the same to the inspector. The inspector shall examine such application, make such further investigation as deemed necessary, and then recommend in

writing to the council that the requested license be granted or denied.

Subd. 2. No applicant shall be granted a master installer's license unless the applicant has in current effect at the time the application is filed a certificate of competency issued by the board of review as hereinafter provided.

Subd. 3. No applicant shall be granted a contractor's license unless the applicant is or has in the applicant's fulltime employ a master installer duly and currently licensed by the city in the work classification for which the contractor's license is sought, or, in the case of a contractor's license for service and maintenance work only, a serviceman in the applicant's employ.

Subd. 4. No applicant shall be granted a contractor's license unless the applicant shall have and maintain a bona-fide address or location where all types of related business may be transacted.

Subd. 5. In the event the inspector recommends that a license be denied, the inspector shall state the reasons for such recommendation. The council may, on its own initiative or at the request of the inspector, refer the application of any person, firm or corporation whom the inspector has recommended be denied a license, to the appropriate committee of the council for further investigation, including a hearing if desireable, and report. The council shall, on the request of an aggrieved applicant, refer the application to the appropriate committee of the council for further investigation, hearing upon at least five days' notice to the applicant, and report.

53.06. Issuance and Expiration of Licenses.  
All licenses granted by the council shall be issued and signed by the mayor and attested by the city clerk. All licenses shall expire on December 31 of the license year.

53.07. Revocation or Suspension of Licenses.  
The council may revoke or suspend any license issued hereunder for any of the following causes:

- (1) Giving false information in connection with the application for the license.
- (2) Incompetence of the licensee.
- (3) Willful violation of any of the provisions of this code.
- (4) Knowingly aiding or abetting one to do heating, ventilating, or air conditioning work who is not properly licensed, or knowingly employing an unlicensed person to do such work when licensed persons are required.

53.08. Revocation or Suspension of Licenses; Procedure. In revoking any license the council may act on its own initiative or at the request of the inspector. In either event the council shall first determine that reasonable grounds exist to consider the revocation of the license of a particular licensee, and shall then refer the matter to the appropriate committee of the council who shall give the licensee notice in writing of the proposed revocation, enumerating the grounds therefor. The licensee shall be entitled to a hearing before the committee if a request is made by him within 10 days after receipt of notice of the proposed revocation. Such hearing shall be held upon at least five days' written notice given to the licensee by such committee and at such hearing the licensee shall have the right to present evidence and testimony. Following such further investigation of the grounds for revocation as the committee deems necessary, the committee shall make such recommendation to the council as it deems proper and the council may then revoke or suspend said license, dismiss the proceedings, or make such other action as it deems appropriate.

53.09. Certificate of Competency; Applications and Fees.  
Subdivision 1. Every applicant for a certificate of competency

shall file an application on forms to be prescribed by the board of review. An applicant may seek a certificate of competency in any of the following disciplines: (1) warm air heating and ventilation systems, (2) hot water and low pressure steam heating systems, (3) refrigeration and air cooling systems, (4) gas piping, and (5) factory-built fireplaces, stoves and chimneys.

Subd. 2. Every application shall be accompanied by a fee of \$25.00 for each discipline for which the applicant seeks a certificate of competency. The application fee shall be not refunded if the applicant fails to appear for the examination, fails to pass the examination, or for any other reason.

Subd. 3. Every applicant for a certificate of competency shall meet one of the following:

a) Four years training in an accredited school or equivalent apprenticeship program relating to the discipline for which the applicant seeks a certificate of competency, and one year of on-the-job experience with a licensed contractor in the discipline for which the applicant seeks a certificate of competency;

b) Five years of on-the-job experience, relating to the discipline for which the applicant seeks a certificate of competency, with a HVAC contractor who is certified in the same discipline and licensed by the city of Rochester;

c) Five years of on-the-job experience, relating to the discipline for which the applicant seeks a certificate of competency, with a HVAC contractor who is certified in the same discipline and licensed by a city other than Rochester so long as the other city's licensing qualifications meet or exceed Rochester's licensing qualifications; or

d) Possession of a mechanical engineering degree in a related HVAC discipline and a minimum of five years of continuous work experience in the related discipline.

53.10. Certificate of Competency; Examinations. Examinations for certificates of competency shall be given by the board of review at regular intervals to be established by the board, and may be given specially at other times when the board determines that circumstances warrant.

Examinations shall include a written test formulated to test objectively the knowledge, skill, and qualifications of the applicant in the classification or classifications of work for which the certificate of competency is sought. Examinations may include a supplementary oral examination and a practical demonstration formulated to further test objectively the knowledge, skill, and qualifications of the applicant.

53.11. Certificates of Competency; Duration. Once issued, a certificate of competency shall continue in full force and effect as long as the holder continues to be licensed by the city in the classification of work for which the certificate is issued.

A certificate of competency shall further continue in full force and effect for a period of 3 years from the date the holder ceases to be licensed by the city and during this period the holder may be granted a license by the council without re-examination or re-issuance of the certificate by the board of review.

After a certificate of competency has expired, the board of review, upon proper application, may re-issue the certificate without examination if it determines that no circumstances exist

which raise a doubt as to the knowledge, skill, or qualifications of the former holder.

53.12. Certificate of Competency; Present License Holder. Every person who on 11/15/67

is duly licensed by the city as a master installer or the equivalent thereof, having due regard for the changes in classification of licenses established by this code, is deemed to be qualified in the classifications of work for which such person is licensed and a certificate of competency shall be forthwith issued for such classifications of work without examination and without fee.

53.13. Revocation of Certificates of Competency; Reasons for. A certificate of competency in any work classification may be revoked by the board of review at any time for sufficient cause, which shall include, among other things:

(1) giving false information in connection with an application for a certificate.

(2) Dishonesty in taking the examination.

(3) Incompetency.

(4) Willful violations of any of the provisions of this code.

(5) Knowingly aiding or abetting one to do heating, ventilating, or air conditioning work who is not duly licensed.

53.14. Revocation of Certificates of Competency; Procedure. In revoking a certificate of competency the board may act upon its own initiative or at the request of the inspector. In either event the board shall first determine that reasonable grounds exist to consider revocation of the particular certificate of competency or any part thereof, and if such reasonable grounds are found, shall then give to the person to whom the certificate of competency has been issued, notice in writing of the proposed revocation, enumerating the grounds therefor. The holder of the certificate shall be entitled to a hearing before the board if a request is made by him within 10 days after receipt of notice of the proposed revocation. Such hearing shall be held upon at least 5 days' written notice given to the holder of the certificate by the board and at such hearing the holder shall have the right to present evidence and testimony. Following such further investigation of the grounds for revocation as the board deems necessary, the board shall then revoke or suspend the certificate of competency, or part thereof, dismiss the proceedings, or take such other action as it deems appropriate.

53.15. Effect on License. Whenever the certificate of competency, or any part thereof, of any licensed master installer has been revoked or suspended by the heating, ventilating, and air conditioning board of review, to that extent the license granted by the council to the licensee involved shall be revoked or suspended; and if a contractor's license granted by the council is dependent upon having in the contractor's employ the master installer whose license has been revoked or suspended, then the contractor's license shall be suspended in the work classification or classifications involved until a properly licensed master installer is employed.

53.16. Permit Required. With the exception of ordinary minor repairs where the total cost of labor and materials does not exceed \$75.00, and ordinary maintenance and servicing of plants, equipment, or systems otherwise in good physical condition, no person, firm, or corporation shall commence, continue, or complete the erection, construction, installation, enlargement, alteration, replacement, movement, improvement, conversion, or repair of any new or existing heating, ventilating, or air conditioning plant, equipment, system, or work which is subject to the requirements of or regulations of the code without first obtaining a permit therefor. Regardless of cost, a permit is required whenever the capacity rating of any existing plant, equipment, or system is increased.

53.17. Issuance of Permits. All permits required shall, upon proper

application and payment of the required fee, be issued by the inspector to contractors duly licensed by the council. Permits issued may not be transferred.

53.18. Applications for Permits. To obtain a permit the applicant shall first file an application therefor in writing on a form furnished by the inspector for that purpose. Every such application shall:

(1) Identify and describe the work to be covered by the permit for which application is made.

(2) Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed buildings or work.

(3) Show the use or occupancy of all parts of the building.

(4) Be accompanied by plans and specifications.

(5) State the actual or estimated cost of the proposed work.

(6) Be signed by a licensed master installer.

(7) Give such other information as reasonably may be required by the inspector.

53.19. Plans and Specifications Required.

Plans, specifications, and other data necessary to evaluate compliance with this code must be furnished in duplicate with each application for a split-level dwelling, a dwelling having four or more bedrooms, a dwelling or apartment building for two or more families, and for a public, commercial, or industrial building. See specific chapters for further detail as to plans and specifications required, among which are:

- (1) drawings, specifications and data;
- (2) diagram of main oil lines and control waves;
- (3) dual fuel burning equipment;
- (4) direct gas fired air heaters;
- (5) air conditioning appliances - gas.

53.20. Ratings and Affidavits Required. Before a permit shall be issued by the inspector, as herein provided, for the installation of any steam or hot water boiler, warm air furnace, or of any device performing some specific service in connection with any heating, ventilating, or air conditioning plant, equipment, or system, the capacity of which device might affect in whole or in part the efficiency of the plant, equipment, or system, the contractor installing such boiler, furnace, or device, or the manufacturer thereof, shall furnish the inspector with such test data, measurements, ratings, capacities, or other information as may be required by the inspector for the purpose of determining capacity ratings of such boilers, furnaces, or devices in accordance with the provisions of this code.

In the absence of manufacturer's published data, all such test data, measurements, rating, or capacities so submitted to the inspector as above provided, shall be accompanied by proper affidavits as to the correctness thereof. Such affidavits shall be made by the manufacturer of the boiler, furnace, or device for which the information referred to herein was submitted, or by a recognized testing agency.

53.21. Lapse of Permits. If authorized work under a permit is not commenced within six months after the issuance of the permit or if after partial completion the work is discontinued for a period of one year or more, the permit shall be void and no work shall be done thereafter until a new permit is secured.

53.22. Permits for Others. No contractor or master installer shall obtain or cause to be obtained, any permit required by this code, for work

to be done by any person not associated with such contractor or master installer or not in the contractor's employ, nor allow the contractor's name to be used by any other person for the purpose either of doing such work or obtaining a permit therefore.

53.23. Tests of Air Conditioning and Warm Air Furnace Fan Installations. After notifying the inspector that any newly installed air conditioning or warm air furnace fan installation, or portion thereof, is ready for inspection and test, the installing contractor shall make such test as may be necessary to determine the delivery of the required quantity and quality of air to the various parts of the system. Such test shall be made in the presence and under the supervision of the inspector or authorized agents or assistants. No such system shall be finally approved by the inspector until found, under such tests, to be fulfilling all requirements of the code.

53.24. Tests of Steam and Hot Water Installations. After notifying the inspector that any newly installed steam or hot water heating system, or portion thereof, is ready for inspection and test, the installing contractor shall make such test in the presence and under the supervision of the inspector or authorized agents or assistants. Such installation, or portion thereof, shall be subjected to a hydrostatic pressure equal to twice the designed operating pressure. In no case shall the hydrostatic pressure be less than 25 pounds per square inch for a steam system or 40 pounds per square inch for a hot water system. No system shall be finally approved by the inspector until found, under such test, to be tight throughout.

53.25. Other Tests. Tests of various components and operations of heating, ventilating, and air conditioning installations, other than those described above, may be required by this code, among which are:

- (1) Covered tanks and piping.
- (2) Gas burners.
- (3) Gas burner appliances and installations.
- (4) Gas piping.
- (5) Refrigeration.

(1436, 2/19/68; 1534, 1/5/70; 1550, 5/4/70; 1589, 5/3/71; 1590, 5/3/71; 1607, 8/2/71; 1690, 2/6/73; 2038, 4/16/79; 2218, 11/17/81; 2344, 12/20/83; 2513, 7/8/86; 2777, 11/5/91; 3056, 9/5/96; 3111, 7/21/97; 3592, 9/15/03)